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BUCHANAN, INGERSOLL & ROONEY LLP  
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In re Application of :  
DREW, Daniel Maxwell :  
Application No.: 10/525,420 : DECISION ON  
PCT No.: PCT/AU03/01090 :  
Int. Filing Date: 27 August 2003. : PETITION  
Priority Date: 27 August 2002 :  
Attorney Docket No.: 034381-001 : UNDER 37 CFR 1.181  
For: PROCESS FOR TREATMENT ... :  
RE-USE OF BIOSOLIDS :

This decision is in response to applicant's request to withdraw the abandonment, filed in the United States Patent and Trademark Office on 03 August 2006.

**BACKGROUND**

On 27 August 2003, applicant filed international application PCT/AU03/01090. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 March 2004. The deadline for entry into the national stage in the United States was 27 February 2005.

On 23 February 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee.

On 08 March 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating that an oath or declaration of the inventors and the small entity surcharge for late filing of the search fee, examination fee or oath or declaration were required. The notification set a two month extendable period for reply.

On 18 July 2006, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 03 August 2006, applicant filed the instant petition claiming that the application was not abandoned and that the Notification of Abandonment had issued prematurely.

**DISCUSSION**

As indicated, the Notification of Missing Requirements mailed on 08 March 2006. The two month response period with a five month extension of time would allow applicant until 08

October 2006 to respond. That time period has not yet run. The Notification of Abandonment issued in error.

**CONCLUSION**

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 18 July 2006 is **VACATED**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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